

FILED
DISTRICT COURT OF GUAM
DEC 18 2006
MARY L.M. MORAN
CLERK OF COURT

UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

NANYA TECHNOLOGY CORP., and
NANYA TECHNOLOGY CORP.
U.S.A.

Plaintiff,

v.

FUJITSU LIMITED,
FUJITSU MICROELECTRONICS
AMERICA, INC.,

Defendants.

CIVIL CASE NO. 06-CV-00025

**DECLARATION OF CHRISTOPHER E.
CHALSEN IN SUPPORT OF FUJITSU
LIMITED'S MOTION TO DISMISS OR
TRANSFER TO THE NORTHERN
DISTRICT OF CALIFORNIA AND FOR A
MORE DEFINITE STATEMENT**

I, Christopher E. Chalsen, declare as follows:

1. I make this declaration based upon my own personal knowledge and, if called as a witness, could and would competently testify thereto.

2. I am a partner of the law firm Milbank, Tweed, Hadley & McCloy, LLP.

3. I have been representing Defendant Fujitsu Limited ("Fujitsu") in connection with patent license negotiations with Nanya Technology Corp. ("Nanya") and in connection with claims filed by Fujitsu and Fujitsu Microelectronics America, Inc. ("FMA") on October 23, 2006 in the U.S. District Court for the Northern District of California.

4. I received a series of e-mails between November 9, 2006 and November 13, 2006 from Shore Chan Bragalone LLP, which purported to be in compliance with the Court Order dated November 9, 2006 allowing alternative service on Fujitsu. Attached to these emails were .pdf files of what appear to be copies of Nanya's original Complaint and assorted exhibits

1 thereto. The Exhibits were not attached to the November 9 email. None of these emails
2 included a Summons issued by this Court.

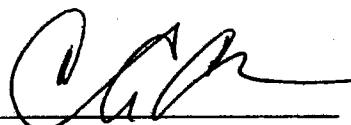
3 5. On November 10, 2006, I received a Federal Express package sent by Shore Chan
4 Bragalone LLP purportedly in accordance with the Court's Order allowing alternative service
5 and containing what appears to be a copy of Nanya's original Complaint (including exhibits).
6 This Federal Express package did not include a Summons issued by the Court. I have received
7 no emails or packages from Nanya or its counsel that purport to serve a Summons and a copy of
8 the original Complaint in accordance with the Court's November 9 Order on alternative service.

9 6. On November 30, 2006, I received a series of emails from Shore Chan Bragalone
10 LLP attaching what appeared to be a .pdf copy of Nanya's First Amended Complaint. These
11 emails did not include any Summons issued by this Court. On December 1, 2006, I received a
12 package from Federal Express containing what appeared to be a copy of Nanya's First Amended
13 Complaint. This Federal Express package also did not include any Summons. I have received
14 no emails or packages from Nanya or its counsel purporting to serve a Summons and the First
15 Amended Complaint.

16
17 I declare under penalty of perjury under the laws of the United States that the foregoing is
18 true and correct.

19
20 December 15, 2006.

21 By:


22 Christopher E. Chalsen

23 NY2:#4720532